

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

IVY CAPITAL, INC., *et al.*,

Defendants, and

CHERRYTREE HOLDINGS, LLC, *et al.*,

Relief Defendants.

Case No. 2:11-cv-00283-JCM-GWF

ORDER

This matter is before the Court on the parties' status reports and proposed deposition plans, Docket Nos. 221, 223, 224, 225, and 226, filed on August 4 and 5, 2011.

The parties previously submitted a proposed discovery plan and scheduling order advising the Court that Plaintiff and Defendants could not agree on the number of depositions that Defendants collectively should be permitted to conduct in excess of 10 depositions per side. The Defendants generally did not oppose the Plaintiff's request to take 30 depositions, but disagreed with Plaintiff's position that Defendants should also be collectively limited to 30 depositions. There was also a lack of agreement in regard to whether certain depositions should be permitted to exceed the presumptive time limit of one day of seven hours set forth in Fed.R.Civ.Pro. 30(d)(1).

The Court conducted a discovery conference in regard to this dispute on May 12, 2011. Because the parties reasonably needed to engage in written discovery first, and because certain defendants also needed to determine whether certain funds will be released to them in order to conduct depositions, the Court concluded that deposition discovery should be stayed for an initial period of 90 days.

...


1 The Court conducted an additional discovery conference on August 11, 2011. At this time, the
2 Court will limit the Plaintiff to a total of 30 depositions and the Defendants collectively to 30
3 depositions as well. The Court may in the future authorize either side to take additional depositions
4 upon a showing of good cause and need for such depositions.

5 Plaintiff has also requested that it be allowed to take up to 2 days/fourteen hours for the
6 depositions of named individual defendants and Jeremy Peck, a non-party. The Defendants have not
7 opposed this request and it will therefore be granted. The Court will also grant the Ivy Capital
8 Defendant's request to be allowed to take up to 2 days/fourteen hours for the depositions of (1)
9 Plaintiff's PMK regarding claims against the Ivy Capital Defendants, (2) Robert Payne, (3) Anthony
10 DiBello, (4) Christine Perroti, and (5) Sherry Novack. Accordingly,

11 **IT IS HEREBY ORDERED** that the stay on the commencement of deposition discovery in
12 this action is hereby **vacated**.

13 **IT IS FURTHER ORDERED** that Plaintiff may take up to 30 depositions and the Defendants,
14 collectively, may also take up to 30 depositions. Additional depositions may be authorized upon a
15 showing of good cause. The duration of the depositions shall be limited to one day of seven hours
16 pursuant to Fed.R.Civ.Pro. 30(d)(1), except as to the depositions of the persons described in the body of
17 this order.

18 DATED this 11th day of August, 2011.

19
20 
21 GEORGE FOLEY, JR.
22 United States Magistrate Judge
23
24
25
26
27
28